

American Samoa Territorial Law
American Samoa Code
Title 46, Chapter 42: Weapons

46.4201 Definitions. * * * *

(d) **"Firearm"** means any weapon that is designed or adapted to expel a projectile by the action of an explosive.

(e) **"Firearm silencer"** means any instrument, attachment, or appliance that is designed or adapted to muffle the noise made by the firing of any firearm.
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(j) **"Machinegun"** means any firearm that is capable of firing more than 2 shots automatically, without manual reloading, by a single function of the trigger. * * *

(l) **"Rifle"** means any firearm designed or adapted to be fired from the shoulder and to use the energy of the explosive in a fixed metallic cartridge to fire a projectile through a rifled bore by a single function of the trigger.

(m) **"Short barrel"** means a barrel length of less than 16" for a rifle and 18" for a shotgun, or an overall rifle or shotgun length of less than 26."

(n) **"Shotgun"** means any firearm designed or adapted to be fired from the shoulder and to use the energy of the explosive in a fixed shotgun shell to fire a number of shot or a single projectile through a smoothbore barrel by a single function of the trigger. * * * *

46.4202 Prohibited weapons.

(a) A person commits a crime if he knowingly possesses, manufactures, transports, repairs, or sells:

- (1) an explosive weapon;
- (2) a machinegun; * * * *
- (4) a short barreled rifle or shotgun;
- (5) a firearm silencer; * * * *

(b) A person does not commit a crime under this section if his conduct:

- (1) was incident to the performance of official duty by the armed forces, a governmental law enforcement agency, or a penal institution;
 - (2) was incident to engaging in a lawful commercial or business transaction with an organization listed in paragraph (b)(1); or
 - (3) was incident to using an explosive weapon in a manner reasonably related to a lawful industrial or commercial enterprise;
 - (4) was incident to displaying the weapon in a public museum or exhibition;
- or

(5) was incident to dealing with the weapon solely as a curio, ornament, or keepsake, or to using it in a manner reasonably related to a lawful dramatic performance; but if the weapon is a type described in paragraph (a)(1), (3), (4) or (5), it must be in a nonfunctioning condition that it cannot readily be made operable. No machinegun may be possessed, manufactured, transported, repaired, or sold as a curio, ornament, or keepsake even if it is inoperable and cannot readily be made operable.

(c) The defendant has the burden of injecting the issue of an exemption under subsection (b). * * *.

(d) A crime under paragraph (a)(1), (2), (3), (4) or (5) is a class C felony;

a crime under paragraph (a)(6), (7) or (8) is a class A misdemeanor.

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46.4205 Possession of a defaced firearm. (a) A person commits the crime of possession of a defaced firearm if he knowingly possesses a firearm which does not have the manufacturer's or importer's serial number engraved or cast on the receiver or frame of the firearm. (b) Possession of a defaced firearm is a class B misdemeanor.

46.4206 Unlawful transfer of weapons.

(a) A person commits the crime of unlawful transfer of weapons if he:

(1) knowingly sells, leases, loans, gives away, or delivers a firearm or ammunition for a firearm to any person, who, under the provisions of 46.4207, is not lawfully entitled to possess it;

(2) knowingly sells, leases, loans, gives away, or delivers a * * * rifle, shotgun * * * to a person less than 18 years old without the consent of the child's custodial parent or guardian, or recklessly sells, leases, loans, gives away, or delivers any other firearm to a person less than 18 years old; provided, that this does not prohibit the delivery of those weapons to any peace officer or member of the armed forces while performing his official duty; or

(3) recklessly sells, leases, loans, gives away or delivers a firearm or ammunition for a firearm to a person who is intoxicated.

(b) Unlawful transfer of weapons under paragraph (a)(1) is a class D felony; unlawful transfer of weapons under paragraphs (a)(2) and (3) is a class A misdemeanor.

46.4207 Unlawful possession of firearms and firearm ammunition.

(a) A person commits the crime of unlawful possession of a firearm or firearm ammunition if he has any firearm or firearm ammunition in his possession, and

(1) he has been convicted of a dangerous felony or confined therefor in this territory or elsewhere during the 5-year period immediately preceding the date of that possession; or

(2) he is a fugitive from justice, an habitual drunkard, a drug addict, or is currently adjudged mentally incompetent.

(b) Unlawful possession of a firearm or firearm ammunition is a class C felony.

46.4220 Definition of "arms."

As used in 46.4220 through 46.4234, "arms" includes guns, rifles, pistols, air rifles, air pistols, gas rifles, gas pistols, ammunition, shells, cartridges, gunpowder, dynamite, nitroglycerine, blasting powder, fireworks, and all other firearms and explosives and materials for the manufacture of the same.

46.4221 License - Required when.

(a) It is unlawful for any person, whether permanently or temporarily resident within American Samoa or whether on shore or on board any vessel, anchored, moored, or docked in any harbor in American Samoa, to have in his possession any arms without first having obtained a license from the commissioner of public safety.

(b) A license to possess arms shall not be issued by the commissioner of public safety unless the application therefor has been approved by the attorney general.

(c) A license shall be issued only for the ownership and possession of 12, 16, 20 and 410 gauge shotguns and shotgun shells and 22 caliber rifles. * * *

46.4222 License - Required for import.

(a) It is unlawful for any person to import arms into American Samoa without having obtained a license therefor from the commissioner of public safety.

(b) A license to import arms shall not be issued by the commissioner of public safety unless the application for the license has been approved by the attorney general.

(c) Unless otherwise authorized, only those shotguns and rifles referred to in section 46.4221(c) ASCA may be imported with license.

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46.4223 License - Required for sale of arms.

(a) It is unlawful for any person to sell or in any other way transfer the right of possession of any arms without having obtained from the commissioner of public safety a license to sell arms. The application for such license shall contain such information as may be required by the commissioner of public safety.

(b) A license to sell arms shall not be issued by the commissioner of public safety unless the application for the license has been approved by the attorney general. No license shall be issued for the sale of arms other than shotguns and .22 caliber rifles as set out in 46.4221(c) and ammunition therefor.

46.4224 License - Information required.

(a) Every person who obtains a license to possess, import, or sell arms shall, upon the written request of the Governor or his designated representative, furnish such information concerning such arms as may be reasonably required.

(b) Each license issued shall specify the number, quantity, and description of the arms which may be possessed, imported, or sold, or otherwise transferred under it. * * * *

46.4226 License - Revocation. Any license issued under authority of this title may be altered or revoked by the Governor or his designated representative at any time for good cause.

46.4227 License - Renewal.

(a) Licenses to possess arms shall expire in 10 January of the year following their issue. Each holder of a license to possess arms shall, between the 1st and 10th of January of each year, submit his license to possess arms for the previous year, together with the annual license fee, to the commissioner of public safety.

(b) The commissioner of public safety may renew the license with or without examining the arms for which the license is to be issued; but the holder of the license shall, upon the demand of the commissioner of public safety sub-

mit the arms to him for examination.

46.4229 Sales to persons without licenses -- .

(a) No person shall sell or otherwise transfer any arms to any person who does not hold a valid and existing license to possess the particular firearms to be sold. * * * *

46.4233 Authorized possession and use of arms without license.

(a) This chapter does not prohibit the possession and use of arms and other police weapons by any member of the police force, armed forces of United States or employees of the government of the United States and law enforcement officers of other states or territories if these arms are properly issued by the issuing authorities and are brought into the Territory in the course of performing official duties.

(b) The Governor or his designated representative may authorize the police of any village to possess and use arms in connection with his official duties without first obtaining a license therefor.

(c) The Governor may enter into reciprocal agreements with states whose law enforcement officers may be assigned on official duty in the Territory to permit these law enforcement officers to carry firearms without registration.

46.4234 Violation Penalty-Disposition of confiscated arms.

(a) Any person who violates any of the provisions of this chapter or who refuses to obey any lawful order issued under the authority of this chapter is guilty of a class A misdemeanor and shall, upon conviction, be sentenced accordingly, and any arms involved may be confiscated by the government.

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